THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 12th September, 2006

W.P.No.21137 of 1994

Between:

P.V. Subbarao (died) … Petitioner

and

The Reserve Bank of India,
rep. by its Manager,
Hyderabad … Respondent

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.21137 of 1994

ORAL ORDER:

It appears that by an Order dated 20-11-2002, the very Writ Petition was dismissed for default. Thereafter, W.P.M.P.No.31799 of 2002 has been filed to set aside the said Order and restore the Writ Petition. The matter had come up for hearing along with the said WPMP. But, on 17-12-2003, the Writ Petition itself was disposed of without passing any Order in the WPMP. Therefore, the matter was posted to 23-12-2003. On that day, an adjournment was sought for; therefore, it was adjourned to 29-12-2003, on which day, the WPMP was ordered. Thereafter, the matter underwent adjournments and on 23-6-2004, the LR petition in W.P.M.P.No.32882 of 2003 was ordered. Today, Writ Petition itself is posted under the caption 'for Judgment'. Therefore, it must be deemed that the Order dated 17-12-2003 passed in the Writ Petition is recalled.

This Writ Petition is filed seeking a Mandamus declaring the action of the respondent in not considering the representations of the petitioner to count the service rendered by him in State Bank of India, i.e., the previous employer, for the purpose of pension and other benefits, as arbitrary and illegal and consequently to direct the respondent to consider the said service and pay the difference pension from the date of retirement i.e. 31-10-1987 and also interest on such difference amount.

Initially, the petitioner joined the service of State Bank of Hyderabad in the month of June,1949 and worked as such with the said Bank till 5-3-1956 i.e, for a period of 6 years, 7 months and 4 days. Thereafter, with effect from 6-3-1956, the petitioner was

absorbed in the service of the respondent-Bank i.e. the Reserve Bank of India and served in various capacities and ultimately retired on attaining the age of superannuation, on 31-10-1987.

The only grievance of the petitioner is that the service rendered by him in State Bank of Hyderabad prior to his joining in the Reserve Bank of India for 6 years,7 months and 4 days was not taken into consideration by the respondent for the purpose of pension and other benefits paid to him at the time of his retirement.

The contention of the petitioner is that, as per the Circular issued by the respondent Bank in Ref.PPD No.G.81/2465/R(II)-CP-171D-91/92, dated 10-4-1992, the Bank is under an obligation to reckon the service rendered by him in the State Bank of Hyderabad before his absorption into the Reserve Bank of India for the purpose of grant of pension etc. It is also brought to the notice of this Court that in similar circumstances, the respondent has considered the cases of one Rauf and Nagaiah Rudra and that though he made several representations, in this regard, there was no response from the respondent.

Having regard to the facts and circumstances of the case, without going into the merits, the respondent is directed to consider the previous service rendered by the petitioner with the State Bank of Hyderabad with effect from June,1949 to 5-3-1956 i.e. for a period of 6 years, 7 months and 4 days for the purpose of pensionary and other benefits as per the Circular issued by the respondent-Bank mentioned above, provided the petitioner satisfies the conditions of the Circular, or under any other law for the time being in force and decide the matter, within a period of six weeks from the date of receipt of a copy of this order and shall communicate the same to the legal representatives of the original petitioner forthwith thereafter.

With the above directions, the Writ Petition is disposed of. No

order as to costs.

12-9-2006

prk